

March 31, 2023

VIA ECF

The Honorable Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Jackpocket, Inc. v. Lottomatrix NY LLC, et al.*, 22-cv-05772-LJL

Dear Judge Liman:

Pursuant to Rule 2(H) and Attachment B of Your Honor's Individual Practices in Civil Cases, the parties jointly submit this letter respectfully alerting the Court to two issues: (1) pursuant to the Court's instruction, there are certain documents of record for this case that were submitted by the parties to Your Honor by email rather than being filed by ECF on the public docket; and (2) in preparing these documents for filing on the public docket, the parties intend to request that the Court consider sealing narrow portions of those documents. The parties therefore write to propose a procedure for completing the public docket and for submitting their respective requests that any such documents be filed under sealed.

As the Court is aware, Jackpocket filed a Notice of Appeal (Dkt. 138) from the Final Judgment. (Dkt. 137.) Pursuant to Local Rule 11.1(a) of the Second Circuit, the underlying documents of record should be made part of the docket for this case to provide a complete record of the District Court proceeding to the Second Circuit. Thus, while the parties defer to the Court's preference in making these documents available to the Second Circuit in advance of the deadline for Jackpocket's opening brief (due April 19, 2023), the parties plan to work together to complete the docket for the instant case, including by submitting their respective requests to seal confidential materials, which, if granted, would permit the sealing of such materials before the Second Circuit.

The documents that the parties intend to request be sealed (e.g., transcripts, memoranda of law, findings of fact and conclusions of law, declarations, reports, and/or supporting exhibits) will generally include those related to the preliminary injunction hearing, deposition excerpts, and the trial. The parties have agreed to keep their requests as narrow as possible and are diligently working on proposed redactions for these documents consistent with the Court's December 15, 2022 Memorandum & Order. (Dkt. 132).

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The parties propose the following procedure:

- The parties will file a joint letter motion to seal by no later than April 6, 2023, where they will set forth the portions of the documents they will seek to be filed under seal, and the grounds for doing so.
- The parties will file under seal as exhibits to that joint letter motion the documents they propose be redacted, color-coded to reflect each party's proposed redactions.
- Upon the Court granting the joint letter motion to seal (in whole or in part), the parties will file via ECF, along with other documents for which the parties do not request any sealing: (1) redacted versions of the documents that the Court has permitted to be filed under seal; and (2) unredacted versions of those documents under seal.

The parties respectfully request that the Court so order this procedure.

Respectfully submitted,

/s/Douglas A. Rettew

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